

To: Don Waye/DC/USEPA/US@EPA[]
Cc: 'Allison Castellan' [allison.castellan@noaa.gov]; avid Powers/R10/USEPA/US@EPA;Robert Goo/DC/USEPA/US@EPA;TROX Randall [TROX.Randall@deq.state.or.us]; obert Goo/DC/USEPA/US@EPA;TROX Randall [TROX.Randall@deq.state.or.us]; ROX Randall [TROX.Randall@deq.state.or.us]; UCINSKI Michael [KUCINSKI.Michael@deq.state.or.us]
From: ALDRICH Greg <ALDRICH.Greg@deq.state.or.us>
Sent: Tue 11/20/2012 11:45:55 PM
Subject: RE: Onsite Time of Transfer Rulemaking
waye.don@epa.gov
ALDRICH.Greg@deq.state.or.us
allison.castellan@noaa.gov
aldrich.greg@deq.state.or.us
Powers.David@epamail.epa.gov
mailto:Powers.David@epamail.epa.gov
powers.david@epa.gov
waye.don@epa.gov
ALDRICH.Greg@deq.state.or.us
aldrich.greg@deq.state.or.us
[image001.gif](#)

Don,

Thank you for your response. My goal is to move this forward and we have set up the effort needed to be successful in March at the Environmental Quality Commission. The EQC approves our rules. Of course we have no direct control over the state legislature, but we are working to bring them along to minimize the likelihood of having legislation which could prohibit our intended efforts.

We are working through the issues that surfaced during the public comment period right now. Once we have internally figured this out, we can revise the draft rules. Once we have clarity on what the revisions should be, we will share our thoughts with you. I want to be sure that whatever we decide on will be acceptable and approvable by you and NOAA. I don't want to go too far forward without checking in with you.

Thanks again for your understanding. These are big issues and they always seem to take longer than originally anticipated. However, I am committed to moving forward and proposing rules that are workable for all of us.

Greg

From: Waye.Don@epamail.epa.gov [mailto:Waye.Don@epamail.epa.gov]
Sent: Thursday, November 15, 2012 7:03 AM
To: ALDRICH Greg
Cc: 'Allison Castellan'; Powers.David@epamail.epa.gov; Goo.Robert@epamail.epa.gov; TROX Randall
Subject: RE: Onsite Time of Transfer Rulemaking

Greg,

If the rule is adopted by next March, with implementation to occur at some date-certain later in 2013, that is not a problem. What is a problem is if the rule remains in a proposed state (which is the same in effect as having no rule at all) or if the adopted version deviates significantly from the version that EPA and NOAA have already reviewed and blessed.

Don Waye
U.S. Environmental Protection Agency
Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address: Office (FedEx/UPS delivery):
Mail Code 4503T Room 7417H
1200 Pennsylvania Ave, NW 1301 Constitution Ave, NW
Washington, DC 20460 Washington, DC 20004

Phone: (202) 566-1170 Fax: (202) 566-1331
Email: waye.don@epa.gov Website: epa.gov/nps

ALDRICH Greg ---11/14/2012 08:06:54 PM---Dave, Don and Allison. Here is an update on the onsite rulemaking. We are planning to take the rule

From: ALDRICH Greg <ALDRICH.Greg@deq.state.or.us>
To: David Powers/R10/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA, 'Allison Castellan' <allison.castellan@noaa.gov>
Date: 11/14/2012 08:06 PM
Subject: RE: Onsite Time of Transfer Rulemaking

Dave, Don and Allison.

Here is an update on the onsite rulemaking. We are planning to take the rulemaking to the March 20-21 Environmental Quality Commission meeting for rule consideration and adoption. Given the timing in March, it does not make sense to have implementation start on March 31. What makes more sense for many reasons is an implementation date of July 31 or August 1. Here is why:

- It gives us time to inform the public and Realtors about the new requirement
- Our request to the Legislature for an onsite inspector will not be approved before the end of Session, likely in June
- We will not have the new inspector on staff before 8/1.
- Our onsite web-based time of transfer tracking system will not be operational until July 2013
- Given the sensitivity to this onsite rulemaking with some legislators, a delayed implementation date until after Session provides a safety release valve. If they chose to limit our authority, we will know before we start implementing the new rules. The delayed implementation will also lessen the potential sting of the Commission adopting the new rules while the Legislature may still be debating the issue.

As I mentioned to Dave on the phone, my goal is to be successful in adopting and implementing these new rules. I don't want to risk losing this opportunity by going too fast right now.

I am very interested in your thoughts and concerns. Again, let me know if a conversation makes sense.

Thank you for your consideration.

Greg

Gregory K. Aldrich
Water Quality Division Administrator
503.229.6345
971.563.3883 (cell)
aldrich.greg@deq.state.or.us

From: Powers.David@epamail.epa.gov [mailto:Powers.David@epamail.epa.gov]
Sent: Tuesday, November 13, 2012 5:54 PM
To: ALDRICH Greg
Subject: Re: Onsite Time of Transfer Rulemaking

Greg - Don Waye is the primary person reviewing the Onsite issue and sent me the e-mail below saying he is o.k. with Oregon's approach. I gave the same update to Allison and she didn't raise any issues or seemed concerned...plus she has deferred to Don in the past. I should clarify that I only told Don and Allison that the timeline would slip because DEQ needed to work with the Legislature...I didn't say there would be a major change in DEQ's approach...am I on target? Dave

David Powers
Regional Manager for Forests and Rangelands
USEPA Region 10, OOO
805 SW Broadway, Suite 500
Portland, OR 97205
503-326-5874
powers.david@epa.gov

Dave,

Thanks for the update. I understand and appreciate OR DEQ's rationale.

Don Waye
U.S. Environmental Protection Agency
Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address: Office (FedEx/UPS delivery):
Mail Code 4503T Room 7417H
1200 Pennsylvania Ave, NW 1301 Constitution Ave, NW
Washington, DC 20460 Washington, DC 20004

Phone: (202) 566-1170 Fax: (202) 566-1331
Email: waye.don@epa.gov Website: epa.gov/nps

ALDRICH Greg --11/13/2012 05:10:25 PM---Dave, Have you had an opportunity to check in with Allison and Don about our status on this rulemaki

From: ALDRICH Greg <ALDRICH.Greg@deq.state.or.us>
To: David Powers/R10/USEPA/US@EPA
Date: 11/13/2012 05:10 PM
Subject: Onsite Time of Transfer Rulemaking

Dave,

Have you had an opportunity to check in with Allison and Don about our status on this rulemaking? I would appreciate knowing where they are and where to next. Also, let me know if I need to talk with them to explain the situation.

Thanks.

Greg

Gregory K. Aldrich
Water Quality Division Administrator
503.229.6345
971.563.3883 (cell)
aldrich.greg@deq.state.or.us